

1 WILLIAM A. ISAACSON (*Pro hac vice*)  
(wisaacson@bsfllp.com)  
2 STACEY K. GRIGSBY (*Pro hac vice*)  
(sgrigsby@bsfllp.com)  
3 NICHOLAS A. WIDNELL (*Pro hac vice*)  
(nwidnell@bsfllp.com)  
4 BOIES SCHILLER FLEXNER LLP  
5 1401 New York Avenue, NW, Washington, DC 20005  
6 Telephone: (202) 237-2727; Fax: (202) 237-6131

7 RICHARD J. POCKER #3568  
(rpocker@bsfllp.com)  
8 BOIES SCHILLER FLEXNER LLP  
300 South Fourth Street, Suite 800, Las Vegas, NV 89101  
9 Telephone: (702) 382-7300; Fax: (702) 382-2755

10 DONALD J. CAMPBELL #1216  
(djcc@campbellandwilliams.com)  
11 J. COLBY WILLIAMS #5549  
(jcw@campbellandwilliams.com)  
12 CAMPBELL & WILLIAMS  
13 700 South 7th Street, Las Vegas, NV 89101  
14 Telephone: (702) 382-5222; Fax: (702) 382-0540

15 *Attorneys for Defendant Zuffa, LLC, d/b/a*  
16 *Ultimate Fighting Championship and UFC*

17 [Additional Counsel Listed on Signature Page]

18 UNITED STATES DISTRICT COURT  
19 DISTRICT OF NEVADA

20 Cung Le, Nathan Quarry, Jon Fitch, Brandon  
21 Vera, Luis Javier Vazquez, and Kyle  
22 Kingsbury on behalf of themselves and all  
others similarly situated,

23 Plaintiffs,

24 v.

25 Zuffa, LLC, d/b/a Ultimate Fighting  
26 Championship and UFC,

27 Defendant.  
28

Case No.: 2:15-cv-01045-RFB-(PAL)

**JOINT MOTION TO  
CONDITIONALLY FILE  
PLAINTIFFS' STATEMENT  
REGARDING RULE 23  
STANDARDS UNDER SEAL**

1 On January 9, 2019, Plaintiffs filed their Statement Regarding Rule 23 Standards (ECF  
2 No. 633) (the “Statement”). On the same date, both Defendant Zuffa, LLC (“Zuffa”) and  
3 Plaintiffs (collectively, the “Parties”) filed proposals regarding the treatment of protected  
4 materials at the upcoming evidentiary hearing on class certification (ECF Nos. 631, 632) (the  
5 “Sealing Proposals”). Plaintiffs’ Statement contains references to (1) the percentage of event  
6 revenues Zuffa pays to its fighters (“Wage Share”); (2) the Wage Share Zuffa would pay its  
7 fighters in a world absent the alleged anticompetitive scheme, as calculated by Plaintiffs’ experts;  
8 (3) the Wage Share other sports organizations pay to their athletes, which is mostly publicly  
9 available information; and (4) the percentage of Class members impacted by Zuffa’s alleged  
10 anticompetitive scheme, as calculated by Plaintiffs’ expert Dr. Hal J. Singer. These materials have  
11 been designated as Confidential by Zuffa (the “Disputed Materials”), pursuant to the Revised  
12 Stipulation and Protective Order issued by this Court on February 10, 2016 (ECF No. 217) (the  
13 “Protective Order”).

14 Zuffa does not believe that the information in categories (3) and (4) above meet the  
15 “compelling reasons” standard for sealing and has, in an effort to narrowly tailor its redactions,  
16 removed those redactions despite its belief that the “good cause” standard applies here. Zuffa has  
17 attached a lesser redacted version of the Statement to this joint motion that removes redactions  
18 from categories (3) and (4) above. Decl. of Stacey K. Grigsby in Supp. of Joint Mot. to  
19 Conditionally File Plaintiffs’ Statement Regarding Rule 23 Standards under Seal ¶ 3 & Ex. A.

20 The Parties disagree as to whether the Disputed Materials should remain under seal.  
21 However, the briefing they have already filed in their respective Sealing Proposals directly  
22 addresses this dispute, and the Parties expect that the Court’s decision on how to treat protected  
23 materials at the evidentiary hearing will resolve the disagreement regarding whether the Disputed  
24 Materials at issue in Plaintiffs’ Statement should remain under seal. Therefore, solely for the  
25 limited reason that the Disputed Materials, as they currently stand, are still designated  
26 Confidential or Highly Confidential, Plaintiffs do not oppose Zuffa’s request in this joint motion  
27 that the Disputed Materials remain under seal, in accordance with the Protective Order, until the  
28 Court has ruled on the Sealing Proposals and decided how it will treat protected material during

1 the evidentiary hearing. Plaintiffs continue to reserve their right to challenge Zuffa's  
2 confidentiality designations pursuant to Section 6.1 of the Protective Order.

3 Zuffa and Plaintiffs have stated each of their positions at length in their respective briefing  
4 regarding the treatment of confidential and protected material at the evidentiary hearing in the  
5 Sealing Proposals and in other briefing on motions to seal, but the Parties do not seek to re-  
6 litigate this issue for the purposes of these filings. Having met and conferred on this issue, the  
7 Parties jointly move to file the Disputed Materials in Plaintiffs' Statement conditionally under  
8 seal, pending the Court's ruling on the Parties' respective Sealing Proposals. Should the Court  
9 determine that any of the materials under seal should not be sealed, the Parties will re-file these  
10 materials on the public docket at that time.

1 Dated: January 14, 2019

Dated: January 14, 2019

2 **JOSEPH SAVERI LAW FIRM, INC.**

**BOIES SCHILLER FLEXNER LLP**

3 By: /s/ Kevin E. Rayhill

By: /s/ Stacey K. Grigsby

4 Joseph R. Saveri (State Bar No. 130064)  
5 Joshua P. Davis (admitted *pro hac vice*)  
6 Kevin E. Rayhill (admitted *pro hac vice*)  
7 Jiamin Chen (admitted *pro hac vice*)  
8 601 California Street, Suite 1000  
9 San Francisco, California 94108  
10 Phone: (415) 500-6800/Fax: (415) 395-9940  
11 jsaveri@saverilawfirm.com  
12 jdavis@saverilawfirm.com  
13 krayhill@saverilawfirm.com  
14 jchen@saverilawfirm.com

William A. Isaacson (admitted *pro hac vice*)  
Stacey K. Grigsby (admitted *pro hac vice*)  
Nicholas A. Widnell (admitted *pro hac vice*)  
1401 New York Ave, NW  
Washington, D.C. 20005  
Phone: (202) 237-2727/Fax: (202) 237-6131  
wisaacson@bsflp.com  
sgrigsby@bsflp.com  
nwidnell@bsflp.com

*Attorneys for Defendant Zuffa, LLC, d/b/a  
Ultimate Fighting Championship and UFC*

15 *Co-Lead Counsel for the Classes and*  
16 *Attorneys for Individual and Representative*  
17 *Plaintiffs Cung Le, Nathan Quarry, Jon*  
18 *Fitch, Luis Javier Vazquez, Brandon Vera,*  
19 *and Kyle Kingsbury*

20 **BERGER MONTAGUE PC**

21 Eric L. Cramer (admitted *pro hac vice*)  
22 Michael Dell'Angelo (admitted *pro hac vice*)  
23 Patrick F. Madden (admitted *pro hac vice*)  
24 Mark R. Suter (admitted *pro hac vice*)  
25 1818 Market Street, Suite 3600  
26 Philadelphia, Pennsylvania 19103  
27 Phone: (215) 875-3000/Fax: (215) 875-4604  
28 ecramer@bm.net  
mdellangelo@bm.net  
pmadden@bm.net  
msuter@bm.net

**CAMPBELL & WILLIAMS**

Donald J. Campbell (State Bar No. 1216)  
J. Colby Williams (State Bar No. 5549)  
700 South 7th Street  
Las Vegas, Nevada 89101  
Phone: (702) 382-5222/Fax: (702) 382-0540  
djcc@campbellandwilliams.com  
jcw@campbellandwilliams.com

*Attorneys for Defendant Zuffa, LLC, d/b/a  
Ultimate Fighting Championship and UFC*

**BOIES SCHILLER FLEXNER LLP**

Richard J. Pocker (State Bar No. 3568)  
300 South Fourth Street, Suite 800  
Las Vegas, Nevada 89101  
Phone: (702) 382-7300/Fax: (702) 382-2755  
rpocker@bsflp.com

*Attorneys for Defendant Zuffa, LLC, d/b/a  
Ultimate Fighting Championship and UFC*

21 *Co-Lead Counsel for the Classes and*  
22 *Attorneys for Individual and Representative*  
23 *Plaintiffs Cung Le, Nathan Quarry, Jon*  
24 *Fitch, Luis Javier Vazquez, Brandon Vera,*  
25 *and Kyle Kingsbury*

**COHEN MILSTEIN SELLERS  
& TOLL, PLLC**

Benjamin D. Brown (admitted *pro hac vice*)  
Richard A. Koffman (admitted *pro hac vice*)  
Daniel H. Silverman (admitted *pro hac vice*)  
1100 New York Ave., N.W.,  
Suite 500, East Tower  
Washington, D.C. 20005  
Phone: (202) 408-4600/Fax: (202) 408 4699  
bbrown@cohenmilstein.com  
rkoffman@cohenmilstein.com  
dsilverman@cohenmilstein.com

*Co-Lead Counsel for the Classes and  
Attorneys for Individual and Representative  
Plaintiffs Cung Le, Nathan Quarry, Jon Fitch,  
Luis Javier Vazquez, Brandon Vera, and Kyle  
Kingsbury*

**RADICE LAW FIRM, P.C.**

John D. Radice (admitted *pro hac vice*)  
34 Sunset Blvd  
Long Beach, NJ 08008  
jradice@radicelawfirm.com

*Attorneys for Plaintiffs*

**WOLF, RIFKIN, SHAPIRO,  
SCHULMAN & RABKIN, LLP**

Don Springmeyer  
Nevada Bar No. 1021  
Bradley S. Schrager  
Nevada Bar No. 10217  
Justin C. Jones  
Nevada Bar No. 8519  
3556 E. Russell Road, Second Floor  
Las Vegas, Nevada 89120  
(702) 341-5200/Fax: (702) 341-5300  
dspringmeyer@wrslawyers.com  
bschrager@wrslawyers.com  
jjones@wrslawyers.com

*Liaison Counsel for the Classes and Attorneys  
for Individual and Representative Plaintiffs  
Cung Le, Nathan Quarry, Jon Fitch, Luis  
Javier Vazquez, Brandon Vera, and Kyle  
Kingsbury*

**WARNER ANGLE HALLAM JACKSON  
& FORMANEK PLC**

Robert C. Maysey (admitted *pro hac vice*)  
Jerome K. Elwell (admitted *pro hac vice*)  
2555 E. Camelback Road, Suite 800  
Phoenix, Arizona 85016  
Phone: (602) 264-7101/Fax: (602) 234-0419  
rmaysey@warnerangle.com  
jelwell@warnerangle.com

*Counsel for the Classes and Attorneys for  
Individual and Representative Plaintiffs Cung  
Le, Nathan Quarry, Jon Fitch, Luis Javier  
Vazquez, Brandon Vera, and Kyle Kingsbury*

**LAW OFFICE OF FREDERICK S.  
SCHWARTZ**

Frederick S. Schwartz (admitted *pro hac vice*)  
15303 Ventura Boulevard, #1040  
Sherman Oaks, California 91403  
Phone: (818) 986-2407/Fax: (818) 995-4124  
fred@fredschwartzlaw.com

*Attorneys for Plaintiffs*

**SPECTOR ROSEMAN KODROFF &  
WILLIS, P.C.**

Jeffrey J. Corrigan (admitted *pro hac vice*)  
William G. Caldes (admitted *pro hac vice*)  
1818 Market Street, Suite 2500  
Philadelphia, Pennsylvania 19103  
Phone: (215) 496-0300/Fax: (215) 496-6611  
jcorrigan@srkw-law.com  
wcaldes@srkw-law.com

*Attorneys for Plaintiffs*

**ATTESTATION OF FILER**

The signatories to this document are myself and Kevin Rayhill, and I have obtained Mr. Rayhill's concurrence to file this document on his behalf.

Dated: January 14, 2019

/s/ Stacey K. Grigsby

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Joint Motion to Seal Plaintiffs' Statement Regarding Rule 23 Standards was served on January 14, 2019 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ Brent K. Nakamura

Brent K. Nakamura